

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
v. ) No. 05-30046-GAO  
 )  
EDUARDO PAGAN )

**DEFENDANT'S MOTION FOR PRE-TRIAL HEARING ON GOVERNMENT'S  
FILING PURSUANT TO 21 U.S.C. SECTION 851 TO ENHANCE DEFENDANT'S  
POTENTIAL SENTENCE (WITH ASSENT)**

The undersigned, as CJA appointed counsel for Eduardo Pagan, hereby requests, for the following reasons, that he be allowed to file an interim bill and to be paid compensation for legal fees and costs in excess of the CJA maximum, all in connection with his representation of Eduardo Pagan in this matter. As grounds for this request, counsel states as follows:

1. The excess compensation requested is necessary to provide fair compensation in that counsel's representation was undertaken in an extended and complex case, all within the meaning of paragraph 2.22C(2) of the CJA Guidelines;
2. Counsel's representation has consumed a total of 82.50 hours to date, all as more fully set forth in counsel's statement of services rendered, attached to his CJA Form 20 voucher submitted in this matter;
3. Counsel has spent significant amounts of time in connection with this case

regarding:

- a. Detention issues;
- b. Review of many hours of surveillance CD's and DVD's; and
- c. Retention of an expert witness (toxicologist) and research regarding the issue of crack v. cocaine base.

4. Defendant is facing a 10-year mandatory minimum sentence and, consequently, counsel has been required to expend significant amounts of time responding to defendant's questions and concerns and reviewing the government's evidence.
5. The amount of time expended in this case to date constitutes work performed from June 15, 2005 through February 15, 2006, a period of eight months;
6. On the basis of the foregoing, the undersigned respectfully requests that he be granted compensation for total fees and costs in this matter as set forth in the related CJA Form 20 voucher and attachments.

Wherefore, for the foregoing reasons, counsel asks that this motion be allowed.

Counsel requests that this motion be sealed.

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